

201 KAR 20:500. Nurse licensure compact.

RELATES TO: KRS 314.470

STATUTORY AUTHORITY: KRS 314.131

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.470 adopted the Nurse Licensure Compact. The compact requires the adoption of this administrative regulation.

Section 1. Definitions. (1) "Board" means the party state's regulatory body responsible for issuing nurse licenses.

(2) "Information system" means the coordinated licensure information system.

(3) "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes or domicile.

(4) "Public" means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.

Section 2. Issuance of a License By a Compact Party State. (1) Effective June 1, 2007, an applicant for initial licensure shall not be issued a compact license granting a multistate privilege to practice, unless the applicant first obtains a passing score on the applicable NCLEX examination or any predecessor examination used for licensure.

(2) A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. That evidence shall include a declaration signed by the licensee. The applicant shall also furnish one (1) of the following:

(a) Driver's license with a home address;

(b) Voter registration card displaying a home address;

(c) Federal income tax return declaring the primary state of residence;

(d) Military form no. 2058 - state of legal residence certificate; or

(e) W2 from the U.S. government or any bureau, division or agency thereof indicating the declared state of residence.

(3) A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license shall be issued by the party state.

(4) A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.

(5) If a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.

(6) A nurse changing primary state of residence, from one (1) party state to another party state, may continue to practice under the former home state license and multistate licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed ninety (90) days.

(7) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the ninety (90) day period in subsection (6) of this section shall be stayed until resolution of the pending investigation.

(8) The former home state license shall no longer be valid upon the issuance of a new home state license.

(9) If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days, and the former home state may take action in accordance with that state's laws and rules.

Section 3. Limitations on Multistate Licensure Privilege - Discipline. (1) Home state boards shall include in all licensure disciplinary orders or agreements that limit practice or require monitoring the requirement that the licensee subject to the order or agreement shall agree to limit the licensee's practice to the home state during the pendency of the disciplinary order or agreement.

(2) This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and any other party state boards.

(3) An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence may be issued a single state license in a new primary state of residence until the time the individual would be eligible for an unrestricted license by the prior state of adverse action. Once eligible for licensure in the prior state, a multistate license may be issued.

Section 4. Information System. (1) Levels of access.

(a) The public shall have access to nurse licensure information limited to:

1. The nurse's name;
 2. Jurisdiction or jurisdictions of licensure;
 3. License expiration date or dates;
 4. Licensure classifications and statuses held;
 5. Public emergency and final disciplinary actions, as defined by contributing state authority;
- and
6. The status of multistate licensure privileges.

(b) Nonparty state boards shall have access to all information system data except current significant investigative information and other information as limited by contributing party state authority.

(c) Party state boards shall have access to all information system data contributed by the party states and other information as limited by contributing nonparty state authority.

(2) The licensee may request in writing to the home state board to review the data relating to the licensee in the information system. If a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates that claim. The board shall verify and within ten (10) business days correct inaccurate data to the information system.

(3) The board shall report to the information system within ten (10) business days:

(a) Disciplinary action, agreement, or order requiring participation in alternative programs or which limit practice or require monitoring, except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority;

(b) Dismissal of complaint; and

(c) Changes in status of disciplinary action or licensure encumbrance.

(4) Current significant investigative information shall be deleted from the information system within ten (10) business days upon report of disciplinary action, agreement, or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

(5) Changes to licensure information in the information system shall be completed within ten (10) business days upon notification by a board. (33 Ky.R. 1013; 1291; eff. 11-15-2006; 35 Ky.R. 1843; 2212; eff. 5-1-09; 39 Ky.R. 2049; 2315; eff. 6-19-2013.)